



राजपत्र, हिमाचल प्रदेश (असाधारण)

हिमाचल प्रदेश राज्य शासन द्वारा प्रकाशित

शिमला, सोमवार, 12 फरवरी, 2001/23 मार्च, 1922

हिमाचल प्रदेश सरकार

GOYAL COMMISSION OF INQUIRY

(With Headquarters at Nahan)

PUBLIC NOTICE

Whereas in exercise of the powers conferred by Section 3 of the Commissions of Inquiry Act, 1952, the Government of Himachal Pradesh *vide* its Notifications No. Home (A)-A (a)-15/2000-part, dated 10-11-2000 duly published in the Himachal Pradesh Extra ordinary Gazette dated 23-11-2000 has appointed a Commission of Inquiry comprising of Shri Janeshwar Goyal, District and Sessions Judge, Sirmaur district at Nahan, to inquire into the alleged incident of beating of a journalist, took place at Kangra, District Kangra, Himachal Pradesh on 25-9-2000 and subsequently a confrontation took place between journalists and others at Kangra (H. P.) on 3-11-2000 and to report on the following matters in relation to the said incident within a period of 3 months from the date of publication of the aforesaid notification :

- (1) Circumstances and happenings leading to the alleged incident of beating of a Journalist at Kangra on 25-9-2000.
- (2) Circumstances and happenings leading to the confrontation between Journalists and others at Kangra on 3-11-2000.
- (3) Recommendations arising out of the above, if any.

Notice is hereby given that all individuals, group(s) of persons, Associations, Institutions and Organisations, having knowledge directly or indirectly, of facts and circumstances relating to the matters referred to the Commission, and having interest in the proceedings before the Commission or who wish to assist the Commission in making its recommendations, may submit their statement of facts/allegations supported by affidavit duly verified by the deponent and sworn before a Judicial Magistrate, first class or an Executive Magistrate or an Oath Commissioner/Notary Public or any other person authorised to administer oath alongwith one spare copy thereof, before the Commission on any working day between 10.30 A. M. to 4.30 P. M. either in person or through Registered A. D. Post, to the Secretary of the Commission, within 30 days from the publication of this notice.

The affidavit shall be verified in the following manner:—

“Verified that the Statements made in paragraphs.....of the above affidavit are true to my personal knowledge and those in paragraphs.....from information received and believed to be true by me”.

The Magistrate or Oath Commissioner/Notary Public or Authority legally empowered to confer oath before whom the affidavit is sworn shall make endorsements thereon in the following manner:—

“Sworn before me by the deponent who is identified to my satisfaction by.....or is personally known to me. The affidavit has been read out in full to the deponent who has signed it after admitting it to be correct, on this the.....day of.....2001”.

(Signature and Seal of the Attesting Authority).

The affidavit must state age, occupation and ordinary place or residence/abode of the deponent. If considered necessary the deponent may file alongwith his affidavit a list of witnesses/documents.

Where any such statement is made by any organisation, statement should be made by the Secretary of the organisation or by such other person as may be authorised by the Governing body of the organisation in this behalf in the appropriate form of authorisation as by a resolution and authority letter.

A list of documents if any on which the deponent proposes to rely should be forwarded to the Commission alongwith such of the original or true copies of the documents and in case of any document not in the possession or power of the deponent, the statement should include the name and address of the person from whom such document may be obtained.

The Commission will further follow *inter-alia* the following broad rules of procedure as empowered under Section 8 of the Commission of Inquiry Act, 1952, besides the Common procedural principle of natural justice, equity and fair play.

Their affidavits may be treated as complete evidence by the Commission. The deponents may however be called for further clarificatory statements and for cross examination by the affected persons and other parties.

The persons and parties concerned arrayed in the inquiry proceedings may be allowed to be represented and assisted by an advocate.

In the event of any person wanting to share any information (in confidence) with the Commission which is relevant or material to the terms of the inquiry, he may contact the Secretary to the Commission or any other Officer duly authorized in this behalf.

CAUTION :

Be it noted that the proceedings before the Commission are judicial proceedings under sub-section (5) of Section 5 of the Commission of Inquiry Act, 1952. Any person found to have made false or misleading statement or allegation before the Commission shall be liable to punishment under Section 193 of the Indian Penal Code with imprisonment for a term which may extend to seven years and shall also be liable to fine.

NOTE :

The Commission shall be governed by the Commission of Inquiry Act, 1952, the Commission of Inquiry (Central) Rules, 1972 and Goyal Commission of Inquiry (Regulation of Procedure Order), 2001, and shall be at liberty to adopt any procedure in best of interest to the inquiry.

All affidavits submitted in the manner stated above and within the time prescribed may be addressed to the Secretary to the Commission.

BY ORDER OF THE COMMISSION OF INQUIRY,

Sd/-
(RAKESH SHARMA),
Secretary,
Goyal Commission of Inquiry,
Office of the Deputy Commissioner,
Sirmaur district at Nahan (H. P).

GOYAL COMMISSION OF INQUIRY

(REGULATIONS OF PROCEDURE) ORDER, 2001

GOYAL COMMISSION OF INQUIRY

(Regulations of Procedure) Order, 2001

In exercise of the powers conferred by Section 8 of the Commissions of Inquiry Act, 1952 (Act 60 of 1952) and sub-rule (8) of Rule 5 of the Commissions of Inquiry (Central) Rules, 1972, (hereinafter referred to as 'the Act' and 'Rules', respectively) and all other enabling provisions in this behalf, the Commission of Inquiry consisting of Mr. Janeshwar Goyal, District and Sessions Judge, Sirmaur district at Nahan constituted under Section 3 of the Act by the notification of the Government of Himachal Pradesh, Home Department No. Home (A)-A (a)-15/2000, dated 10-11-2000 (hereinafter referred to as 'the Commission') hereby makes the following order to regulate its procedure:—

1. *Title*.—This order may be called Jeneshwar Goyal Commission of Inquiry, (Regulations of Procedure) Order, 2000.

2. The Headquarters of the Commission is in the Office of Secretary to the Commission, office of Deputy Commissioner, Sirmaur district at Nahan, Himachal Pradesh.

3. *Hours of Work*.—The Office of the Commission shall be open between 10.00 A. M. to 5.00 P. M. on all days other than holidays and closed days observed by State Government and the High Court of Himachal Pradesh, Shimla.

4. *Place, Date and Time of Sittings.*—The Commission shall ordinarily hold its sittings at Nahan. It may be necessary to hold sittings at Kangra district, Dharamshala or any other place in Himachal Pradesh. The Commission may also hold sittings at such other place as it may deem proper.

5. The sittings of the Commission shall be held from 10.00 A. M. to 1.00 P. M. and 2.00 P. M. to 5.00 P.M.

6. *Public Hearing.* The hearing of the Commission will be open to the public except where the Commission thinks fit to direct the proceedings in respect of particular person or any specified subject matter to be in camera :

Provided that the entry of visitors to the Court room where the Commission intends to hold or is holding public sittings may be regulated by issue of necessary directions in that behalf.

7. No person will be permitted to photograph, videograph or tape record the proceedings of the Commission without permission. Pagers and mobile phones will not be allowed inside the official premises of the Commission.

8. *Language.*—The proceedings of the Commission shall ordinarily be conducted in English language. However, the Commission may in its discretion, during the course of any sitting, allow the proceedings to be conducted in Hindi. Petitions and other submissions in writing can be made to the Commission either in English or in Hindi:

Provided that a petition or affidavit in a language other than English or Hindi may be entertained by the Commission if it is accompanied by a translation thereof in English or Hindi, duly authenticated by a Magistrate of the First Class or an Oath Commissioner or any other authority legally empowered to administer oath.

9. *Affidavits from the persons Acquainted with the Subject-Matter.*—The Commission may, at any stage of the proceedings, require persons who, in its opinion, are likely to be acquainted with the facts relating to and the matters specified in the notification of the Government of Himachal Pradesh (Home Department) No. Home (A)-A (a) 15/2000 dated 10-11-2000 to file a statement of facts on affidavit. An affidavit so required to be filed shall be sworn before an authority legally empowered to administer oath.

10. *Essential requirements of Affidavit.*—An affidavit to be filed before the Commission shall satisfy the following conditions:—

10.1 It shall preferably be in English or Hindi language and, if it is in a language other than English or Hindi, it shall be accompanied by a translation thereof in English or Hindi, duly authenticated by a Magistrate of the First Class or an Oath Commissioner or any other authority legally empowered to administer oath.

10.2 It shall be drawn up in the first person and divided into paragraphs to be numbered consecutively, each material statement of facts being made the subject matter of a separate paragraph.

10.3 It shall include therein the correct description, occupation and full address of the deponent and shall contain, at the end, a verification in the following form, namely:—

‘Verification’

Verified that the statements made in paragraphs.....of this affidavit are true to my personal knowledge and those in paragraphs.....from information received and believed to be true by me.

Explanation:—Where such information is based on any information derived :

- (i) from an individual, the name, description, occupation and full address of such individual, shall be specified in the affidavit ;
- (ii) from any document or record, the particulars and nature of the document or record, and the name, description and address of the person having the custody or control of such document or record shall be specified in the affidavit ;
- (iii) from any other source, the source of such information shall be disclosed in the affidavit.

10.4 Every person filing an affidavit before the Commission shall file, alongwith the affidavit a list of documents on which he intends to rely.

10.5 If the deponent relies, for the whole or any part of his statement in the affidavit, on any document, the original document so relied upon or duly certified copy thereof shall be filed alongwith the affidavit but if the original document or the certified copy thereof is not available to the deponent, he shall indicate, in the affidavit, the material contents of the document intended to be relied upon by him and the name ; description and full address of the person having the custody or control of such document ; where, however, the document referred to in the affidavit forms part of official record, it shall be sufficient for the deponent to specify in the affidavit the name of the department or officer having the custody or control of such document with full particulars of the document or record to enable the Commission to summon such document or record.

10.6 If considered necessary the deponent may file along with his affidavit a list of witnesses with full particulars and addresses in support of his statement in the affidavit.

10.7 It shall be accompanied by one spare copy of the same.

10.8 In the case of an affidavit purporting to be on behalf of an Organisation, Society or juristic person, the affidavit shall be signed and verified by the Secretary of the Organisation, Society or juristic person or by such individual as the governing body of the Organisation, Society or juristic person may authorise in this behalf.

10.9 The statement of facts/allegations supported by an affidavit shall be submitted before the Commission on any working day between 10.00 A. M. to 5.00 P. M. either in person or through Registered A. D. post. An affidavit submitted in person at the office of the Commission, shall be received by an official officer of the Commission who shall acknowledge receipt thereof in writing. In case an affidavit is recieved through post other than Registered A. D. post, no separate acknowledgement shall be issued.

11. Where it appears to the Commission that any affidavit submitted to it does not contain a full account of the deponent's version, the Commission may direct the deponent to submit an additional affidavit making a full disclosure of the facts known to him. Such additional affidavit, shall also satisfy the above requirements.

12. In the event of any person wanting to share any information (in confidence) with the Commission which is relevant or material to the terms of the inquiry, he may contact the secretary of the Commission or any officer duly authorised in this behalf.

13. *Evidence*.—(a) Wherever evidence adduced before the Commission is oral, it shall be followed by cross-examination. It shall however, be open to the Commission to treat the affidavit as examination-in-Chief for this purpose and allow cross-examination or direct the affidavits in reply be filed.

(b) The Commission may, if so required in the interest of justice direct that a person be examined by interrogatories on affidavit.

14. (a) Cross-examination shall be allowed to all parties and persons as indicated in Section 8-C of the Act.

(b) The Commission may, in its discretion, examine any person as a witness who is present before the Commission during the course of any sitting either as a visitor or otherwise, if in the opinion of the Commission, such person appears to be conversant with the facts relating to any of the matters covered by the terms of reference of the Commission or acquainted with any transaction or incident which may have some bearing on the subject-matter of the inquiry before the Commission.

15. The Commission may in order to enable it to comment on any matter connected with, incidental to or relevant to Clauses 1 to 7 of para 4 of the terms of reference elicit the testimony of expert witnesses having special knowledge.

16. The Commission may, in its discretion; refuse the inspection or disclosure of the contents of any statement/document submitted to it by anyone if in the opinion of the Commission such inspection or disclosure would not be in public interest.

17. The provisions of the Evidence Act, as such, do not govern the recording and admissibility of evidence before the Commission. However, Commission would observe the fundamental principles of natural justice, equity and fair play.

18. The Commission may, either suo motu or on the application made by any person or party, delete or expunge the matter from any petition, affidavit or other document, or return, any document presented to it which in the opinion of the Commission is irrelevant, offensive, scurrilous or scandalous.

19. Official records pertaining to the Government Departments or Statutory Bodies including the office notings, order, etc. may, subject to any valid claim of privilege, be admitted without formal proof unless the Commission, in any particular case, requires it to be proved in any other manner.

20. Where the original document or correspondence is in the file of the Ministries/Departments of State Government, the Commission may, after inspection of the necessary records, and satisfying itself about the authenticity of the document/correspondence, etc., as the case may be, admit the same in evidence with a view to utilising it for the purpose of contradiction or corroboration of the testimony of any witness or cross-examination of any person.

21. *Oral Submissions.*—After submission of the statements/affidavits/document as required by the Commission and recording oral evidence, the Commission will hear oral arguments in terms of Section 8-C of the Act. No person other than those mentioned in Section 8-C shall, unless permitted by the Commission, be entitled to address oral arguments. All persons permitted to address oral arguments may submit to the Commission a brief point-wise summary of their oral arguments at least one week prior to the date fixed for hearing oral arguments. The Commission will determine the order in which the arguments will be heard.

22. *Investigation.*—It would be open to the Commission to utilise the services of officer/official, attached to the Commission to undertake such investigation as is necessary for the purpose of ascertaining the truth of various matters.

23. *Authority to Sign Process.*—The Secretary to the Commission has been authorised to sign summons and any other process issued by the Commission :

Provided that the Commission may authorise, any other officer/official working under the Commission in a particular case to sign summons or any other process issued by or under the authority of the Commission.

Service of summons and other process shall be effected through the police agencies or by such other method as the Secretary of the Commission may direct.

24. Power to amend or alter regulations.—The Commission reserves its right to alter, modify, delete or add to any of these regulations of procedure at any time during the inquiry as and when it considers necessary. On matters not covered by these regulations of procedure, supplementary directions or regulations consistent with the Act and the Rules may be issued by the Commission as and when necessary.

BY ORDER OF THE COMMISSION

Sd/-
(RAKESH SHARMA),
Secretary,
Office of the Deputy Commissioner,
Sirmaur District, Nahan, Himachal Pradesh.

NAHAN :

Dated : 24th January, 2001.

